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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,803	06/30/2006	Huafang Gao	514572001200	5370

25225 7590 12/12/2008
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER

BHAT, NARAYAN KAMESHWAR

ART UNIT	PAPER NUMBER
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1634

MAIL DATE	DELIVERY MODE
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12/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Further Lack of Unity Requirement

1. This office action is in response to the reply filed on October 30, 2008.
2. Claims 1, 4, 7, 9, 22, 24, 26, 28, 30, 31, 37, 41-43, 46, 49, 53, 57-60, 77 and 78 are pending in this application. Claims 1, 7, 9, 22, 24, 41, 43 and 58 were amended and new claims 77 and 78 were added. Claims 2, 3, 61 and 65-76 were cancelled.
3. Applicant's amendments to claim 1 and addition of new claims 77 and 78 have necessitated a further lack of unity requirement. The special technical feature of the invention is an oligonucleotide probe complementary to HLA target nucleotide sequence. However, each of the nucleotide probes listed in Table 1 is a unique molecule because it detects different type of HLA genotypes, i.e., complementary to different HLA target nucleotide sequence. Therefore there is no special feature that joins the differently claimed probes listed in Table I.
4. Applicant is required either pick (i) a single probe from Table-1 and identify its location in Table 1 and by SEQ ID NUMBER; or (ii) a combination of probes listed in Table 1 and identify their location in Table 1 and by SEQ ID Numbers. If the single combination is less than all the probes, claim 78 will be withdrawn from prosecution.
5. **Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined** even though the requirement may be traversed (37 CFR 1.143) and **(ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a

Art Unit: 1634

claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Narayan K. Bhat whose telephone number is (571)-272-5540. The examiner can normally be reached on 8.30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram R. Shukla can be reached on (571)-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Narayan K. Bhat/

Examiner, Art Unit 1634

/Ram R. Shukla/

Supervisory Patent Examiner, Art Unit 1634

Application/Control Number: 10/562,803
Art Unit: 1634

Page 5